

VZCZCXYZ0002  
RR RUEHWEB

DE RUEHC #0771 2432101  
ZNR UUUUU ZZH  
R 312043Z AUG 09  
FM SECSTATE WASHDC  
TO RUEHDK/AMEMBASSY DAKAR 0000  
INFO RUEHUJA/AMEMBASSY ABUJA 0000  
RUEHTV/AMEMBASSY TEL AVIV 0000  
RUEAIIA/CIA WASHINGTON DC  
RUETIAA/DIRNSA FT GEORGE G MEADE MD  
RHMCSUU/FBI WASHINGTON DC 0000  
RUCPDOG/USDOC WASHINGTON DC 0000  
RUEKJCS/SECDEF WASHINGTON DC

UNCLAS STATE 090771

SIPDIS  
DAKAR FOR WALLACE BAIN  
ECON

E.O. 12958: N/A  
TAGS: [ETTC](#) [KOMC](#) [SG](#) [NI](#) [IS](#)  
SUBJECT: BLUE LANTERN LEVEL 3: PRE-LICENSE END-USE CHECK  
TO SENEGAL ON LICENSE GC 0997-09

REF: 2006 BLUE LANTERN GUIDEBOOK

11. This is an Action Request. See paragraphs 2-4.

12. The Department's Office of Defense Trade Controls Compliance (PM/DTCC) requests Post's assistance in conducting a pre-license inquiry on a request (DDTC case GC 0997-07) for the re-export of three (3) C-130H aircraft from Nigeria to Senegal. The aircraft are defense articles controlled under the International Traffic in Arms Regulations (ITAR) administered by PM/DDTC. Post is requested to complete this Blue Lantern inquiry within 30 days. Lack of response to a Blue Lantern inquiry will affect pending and future license requests involving parties to this license.

13. Reason for request:

--Brokering of aircraft by private entity A.D. Consultants (ADCON), Israel on behalf of government of Nigeria and Senegal without prior approval from DDTC. In addition, ADCON was not registered as a broker with DDTC as required under the ITAR. ADCON subsequently registered under parent company Oforid Holdings, Ltd., Israel.

--Re-titling of C-130H aircraft from Government of Nigeria (Ministry of Defense) to ADCON without prior approval from DDTC.

--Sole documentation establishing relationship between ADCON and Government of Senegal is limited to an end-user certification stating that the C-130H aircraft were "ordered through" ADCON. No documentation or contract between ADCON and GoS detailing the terms and conditions of the sale.

--No documentation on the source, type, and amount of any fees, payments, or other consideration paid to ADCON for brokering the transaction.

--No documentation from GoS indicating the end-use of the aircraft.

--Verification that all parties to the transaction have been identified.

14. ACTION: The Department requests that Post contact the Government of Senegal to determine the bona fides of re-export transaction.

The following points are included for guidance:

--Would the GoS provide contractual or other documentation

identifying the role of all parties to the transaction and the full terms of purchase?

--To date, has any money been exchanged for the aircraft?

--Would GoS confirm the specific end-use of the aircraft (i.e. military transport, border security, humanitarian aid, other missions, etc.)?

--Will the aircraft be serviced or refurbished in a third country before arrival in Senegal?  
(\*\*NOTE: GC 0997-07 states that the aircraft will be transferred to Denel (Pty) Ltd. in South Africa for refurbishing before final delivery to Senegal. DDTC would like to inquire if Senegal is aware of the transaction and Denel's participation.\*\*)

--Where will the aircraft be located in Senegal upon delivery?

--Does the GoS understand the restrictions on USML items, especially the prohibition against unauthorized re-transfer and re-export?

END ACTION.

#### 15. Details of license application:

DTC CASE: GC 0997-09

QUANTITY/COMMODITY:

3 - C-130H Aircraft

Aircraft No. NAF 914, Serial No. 4649

Aircraft No. NAF 915, Serial No. 4650

Aircraft No. NAF 916, Serial No. 4962

License Value: \$6,100,000 USD

SELLER:

Nigerian Ministry of Defense  
Office of the Permanent Secretary  
Ship House  
Olusegun Obasanjo Way  
Area 10, P.M.B. 196, Garki, Abuja  
Nigeria  
Tel: 09-2348970  
Fax: 09-2340708

FOREIGN CONSIGNEE:

ADCON  
7, Golda Meir St. Science Park  
Nes-Ziona 74036  
Israel  
POC: Mr. Gabriel Pereiz, President & CEO

FOREIGN INTERMEDIATE CONSIGNEE:

Denel (Pty) Ltd.  
Nellmapius Drive, Irene  
P.O. Box 8322, Centurion, 0446  
South Africa  
Tel: 27 (0)11 9272895  
Mobile: 27 (0)83 628 1679  
POC: Mr. Albert van Oldenmark

\*Denel is or will be contracted by ADCON to service and refurbish the aircraft to ensure their sky-worthiness.\*

\*Value of Denel services: \$32,729,765.\*

FOREIGN END-USER:

Ministry of Armed Forces of the Republic of Senegal  
Building de Direction Administrative 1, 8ieme etage  
Dakar, Senegal

POC: Mr. Becaye Diop, Minister of Armed Forces of the Republic of Senegal

PURPOSE:

Transport of cargo and troops inside Senegal, and for UN missions outside Senegal.

¶6. Submitted in support of license application GC 0997-09 were the following documents (PM/DTCC will fax documentation to Post upon request):

--General Correspondence Transmittal Letter, signed by Bukar Goni Aji, Permanent Secretary for the Minister of Defense of Nigeria, dated 28 April 2009.

--Bill of Sale for 3 C-130 aircraft from GoN to ADCON, signed by D.A. Muhammed, dated 22 May 2007.

--End-User Certificate signed by Mr. Becaye Diop, Minister of Armed Forces, Senegal, dated 2 May 2009.

--DSP-83 Non-Transfer and Use Certificate signed by Mr. Bukar Goni Aji, Ministry of Defense Nigeria, dated 20 March 2009, and Mr. Becaye Diop, Minister of Armed Forces, Senegal, dated 23 March 2009.

--Denel's "Proposal for the Recovery, Relocation, and Service of the ADC C-130H Aircraft 914, 915, 916" dated 28 November ¶2008.

¶7. Please slug reply for PM/DTCC - BLUE LANTERN COORDINATOR and include the words "Blue Lantern" and the case number in the subject line. POC is Meredith Sundlof. Phone: 202-663-3455; Email: SundlofME@state.gov; SIPRNET: SundlofME@state.sgov.gov. The Blue Lantern Guidebook (ref) is available as a PDF file at [http://www.intelink.sgov.gov/wiki/Blue Lantern End-Use Monitoring Program](http://www.intelink.sgov.gov/wiki/Blue_Lantern_End-Use_Monitoring_Program).

¶8. Department is grateful for Post's assistance in this matter.  
CLINTON